

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA ,
Plaintiff,**

vs.

**THOMAS PICCIRILLO, MARIANNE PICCIRILLO,
ABN AMRO MORTGAGE GROUP, INC., NEW YORK
STATE DEPT. OF TAXATION, AND FINANCE, NEW
YORK STATE DEPT. OF LABOR, COUNTY OF CAYUGA,
ROGER TUMBER, MARTHA TUMBER, JOE DOE,
JANE DOE,** **5:07-CV-00442 (NPM/DEP)**
Defendants,

APPEARANCES:

Of Counsel:

FOR PLAINTIFF:

**HON. ANDREW T. BAXTER
Acting United States Attorney
Northern District of New York
100 S. Clinton Street
P.O. Box 7198
Syracuse, NY 13261-7198**

**WILLIAM H. PEASE, ESQ.
Assistant U.S. Attorney**

**U.S. DEPT. OF JUSTICE
555 Fourth Street, N. W.
Room 7814
Washington, DC 20001**

**BARTHOLOMEW CIRENZA, ESQ.
Trial Attorney**

FOR DEFENDANTS:

**THOMAS PICCIRILLO, Pro Se
P.O. Box 12
Skaneateles, NY 13152**

BOND SCHOENECK LAW FIRM
For Defendant Marianne B. Piccirillio
One Lincoln Center
Syracuse, NY 13202-1355

H. J. HUBERT, ESQ.

RELIN, GOLDSTEIN LAW FIRM
For Defendant ABN AMRO
1800 First Federal Plaza
28 East Main Street
Suite 1800
Rochester, NY 14614-1991

DAVID P. CASE, ESQ.

GIACONA LAW OFFICE
For Defendant County of Cayuga
75 Genesee Street
Auburn, NY 13201

SAMUEL P. GIACONA, ESQ.

NEAL P. McCURN, Sr. J.

ORDER ADOPTING REPORT AND RECOMMENDATION

Presently before this Court is the Report and Recommendation of the Hon. David E. Peebles, USMJ, dated October 10, 2008 (Dkt. No. 61), recommending that defendant Thomas Piccirillo's answer to plaintiff's complaint in this action (Dkt. No. 22) be stricken, that he be declared in default in this action and that plaintiff be given permission to file a motion seeking the entry of an appropriate default judgment as against that defendant.

Pursuant to 28 U.S.C. § 636(b)(1), petitioner had ten days to file

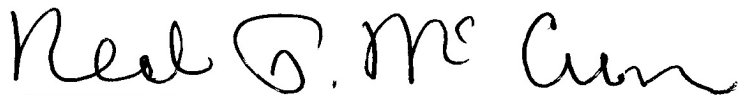
objections to the instant Report and Recommendation, which was filed and served upon all parties on October 10, 2008. The court allowed seventeen days from the filing of the Report and Recommendation, to October 17, 2008, for the defendant Thomas Piccirillo to file objections. Although the time to object has expired, no objections have been received by this court.

Therefore, absent objection, the court adopts in its entirety the Report and Recommendation of the Hon. David E. Peebles, USMJ, dated October 10, 2008 (Dkt. No. 61). The court orders that the answer of defendant Thomas Piccirillo to plaintiff's complaint in this action (Dkt. No. 22) is stricken as it relates to that defendant. Defendant Thomas Piccirillo is declared in default in this action and plaintiff is hereby given permission to file a motion seeking the entry of an appropriate default judgment as against said defendant.

IT IS SO ORDERED

Dated: November 12, 2008

Syracuse, New York

A handwritten signature in black ink, reading "Neal P. McCurn". The signature is written in a cursive, flowing style. The first name "Neal" is written in a larger, more prominent script, followed by "P." and "McCurn". The signature is positioned above a horizontal line.

Neal P. McCurn
Senior U.S. District Judge